

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2005-00052-RMG

REGULATORY PROJECT MANAGER: Rebecca M. Gruber **Date:** February 1, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date:** 1 Feb. 2005

At the project site (Y/N) **N** **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Washington

Center coordinates of site by latitude & longitude coordinates:
43.3139, -88.2395 (NAD 27)

Approximate size of site/property (including uplands) in acres
 70 acres

Name or waterway of watershed: Milwaukee 1 unnamed wetland (0.23 acre)

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary X Or Approved**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The subject wetland is a small emergent fresh wet meadow. This wetland is approximately 10,000 square feet in size, and is dominated by reed canary grass. In addition, another wetland (a "water of the United States") is present on the subject property.

The subject wetland lies entirely within Section 21 of Township 10N, Range 19E., Washington County, Wisconsin. As such, the wetland boundaries lie entirely within the State of Wisconsin (intra-state wetlands). This wetland does not display any connection to, nor is it considered adjacent to (separated by roadway or other anthropogenic structure) any waters of the U.S. The nearest connection to any waterway is approximately 200 feet away; therefore, this wetland is considered isolated.

The wetland is not, nor is it likely to be, used by interstate or foreign travelers for recreation, industry, or commerce. The wetland lies on private property, without any public access. In addition, the wetland does not contain fish or shellfish which could be taken and sold. For these reasons, no commerce connection to the wetland has been established.

As indicated above, another wetlands was found on site, and was determined to lie within the regulatory jurisdiction of the Corps of Engineers pursuant to Section 404 of the Clean Water Act. This wetland is part of the tributary system of the Milwaukee River (via an unnamed tributary to Cedar Creek), a navigable water of the United States.